

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 8 MAR 1995

APPLICATION NO: 1872 of 1994.

APPLICANTS:- Sri.K.L.P.Kundagol,
V/S.

RESPONDENTS:- The Chief General Manager, Telecom Training Centre,
Jabalpur-482001 , and another.

To

1. Sri.K.V.Suryanarayanaiah, Advocate,
No.HL-587, Fort, Krishnarajapuram,
Bangalore-560 036.
2. Sri.G.Shanthappa,
Addl.C.G.S.C.
High Court Bldg,
Bangalore-560001.
3. Sri.Brian Da Silva, Advocate,
C/o.Divisional Engineer(Administration)
Bharat Ratna Bhim Rao Ambedkar Institute of
Telecom Training Institute, Jabalpur-482001.

*Recd by
10/3/95*

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 20-02-1995.

*Issued on
8/3/95*

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[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.1872/94

MONDAY THIS THE TWENTIETH DAY OF FEBRUARY 1995

Shri Justice P.K. Shyamsundar, Vice-Chairman

Shri T.V. Ramanan ... Member [A]

K.L.P. Kundagol,
Aged about 60 years,
S/o I.N. Kundagol,
S.T.T.Lecturer [Retired],
Telecom Faculty,
No.80, Adhyapaknagar,
Hubli-580 032.

... Applicant

[By Advocate Shri K.V. Suryanarayanaiah]

v.

1. The Chief General Manager,
Telecom Training Centre,
Jabalpur-482 001.
2. Union of India by
Secretary, Department of
Telecommunications,
New Delhi-1.

... Respondents

[By Advocates Shri G. Shanthappa and
Shri Brian da Silva for the respondents]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. We had disposed of this application a little earlier by directing the Department to consider and dispose of the series of representations made by the applicant at Annexures A-1 to A-4 requesting the department to step up his pay on par with ~~xxxxxx~~ his junior. who according to the applicant was enjoying a higher pay. Little later in the day learned counsel Brian da Silva



from Jabalpur appeared on behalf of the department along with the regular Standing Counsel Shri Shanthappa and made a request that we should hear and dispose of this matter instead of throwing the ball back to the department for consideration and disposal of the applicant's representations. Shri Dasilva also filed a reply in opposition to the application and a copy of the same was also served on Shri Suryanarayanaiah, learned counsel for the applicant. In spite of the disposal made at the earlier round, learned counsel for the applicant who was still in the court graciously agreed for our proposal to recall our ^{not yet typed,} order/and to dispose of the application on merits. Accordingly we have recalled our earlier order and proceed to dispose of the application on merits after admission.

2. The case herein is very simple. The applicant, it appears, was getting a salary of Rs.2375/- as on 1989 whereas his admitted junior was getting a pay of Rs.2,600 per month. This disparity in the pay ~~exists~~ as aforesaid vis a vis the applicant and his junior continued till the applicant retired on 31.12.1991. Despite the disparity having been persisted right through from the year 1989, the applicant did not raise his little finger and on no occasion demurred against what was a demoralising injustice ie., the senior getting lesser pay than the junior but nonetheless he finally surfaced before us by filing

the above application on the basis of a judgment rendered by the Ernakulam Bench of this Tribunal while disposing of O.A. No.342, 337 and 1134/93 decided on 29.10.1993 which was subsequently referred to in the Swamy's News in January, 1994. The applicant says that he became aware of the fact that he was also entitled for stepping up of pay on par with his junior only in January, 1994 after such a claim had been upheld by a duly constituted Tribunal and, therefore, it is he has filed this application before us. Inter alia, he has also filed an application for condonation of delay.

3. From the side of the department it is pointed out that this is a very stale claim and the department cannot countenance the plea by the applicant regarding the factum of disparity or that he became aware of such disparity for the first time only when the Ernakulam Bench pronounced a judgment on this point. It is pointed out that the Ernakulam Bench was not the only court which had granted the benefit of stepping up of pay to a senior where the junior was in receipt of higher pay because even earlier there were judgments of the Hyderabad and Calcutta Benches of the Tribunal in the cases of SMT. LALITHA AND OTHERS V. UNION OF INDIA reported in [1992]7 ATC 569 and ANIL CHANDRA DAS V. UNION OF INDIA [1992]7 ATC 224 and that the Ernakulam Bench had only followed the decisions rendered earlier. In the circumstances the department says that the applicant cannot make a bid

with a belated claim asking for higher pay scale that too nearly three years after he had retired.

4. We think this point is well taken. We are not satisfied with the submission of Shri Suryanarayanaiah that his client being away at Jabalpur on government duty, was working in a different circle and that he did not know what was happening elsewhere. This is too lame an explanation and does ~~and does~~ not carry much credence. This is a case in which the applicant had not raised his little finger complaining of disparity in pay ~~scale~~ while in service and now that he has retired he is probably taking advantage of a fortuitous circumstance in the shape of judicial pronouncement of the Ernakulam Bench in 1993 and even that he says came to his knowledge only in 1994. We are not inclined to accept his ignorance at all. On this short ground of delay and laches, as no satisfactory explanation ^{is} forthcoming, we see no good ground to condone the delay and as such dismiss the MA for condonation of delay. Consequently we also dismiss the application as belated. No costs.



Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore bsv

Scri

MEMBER [A]

Scri

VICE-CHAIRMAN

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

B-786

ORDER SHEET

Review Application No. 24 of 1995
in OA 1872/94

Applicant

KLP Kundagol

Advocate for Applicant

Dr MS Nanaraja

Respondent

Ch.Gen.Manager, Telecom, Trg Centre,
Jabalpur & enr

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
		PKS VC/TVR MA 11th July 1995 <u>ORDER</u> Heard. No grounds. Rejected.
		sd- [Signature]

MEMBER [A]

VICE-CHAIRMAN

TRUE COPY

[Signature]
27/7/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore